

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FIDELITY NATIONAL TITLE INSURANCE
COMPANY, *et al.*,

No. C 11-00896 SI

ORDER RE: SERVICE

Plaintiffs,

v.

JAMES CASTLE, *et al.*,

Defendants.

On December 15, 2011, plaintiffs filed an application with the Court to serve three of the defendants in this action - Carl Wallace, Christopher Michael Piscatelli, and Jennifer Pezzi - by publication in the *Sacramento Bee*. On December 16, 2011, defendants Castle, CCTT Group, CJT Financial Group, and Oreplex International LLC (collectively, "Responding Defendants") filed a response, opposing publication in the *Sacramento Bee* for Wallace and Piscatelli based on the fact the alleged transactions took place outside of Sacramento, and opposing publication for Pezzi based on their assertion that she is not living in the United States. Responding Defendants argue that they oppose plaintiff's application in the interest of avoiding service disputes that may come later in the case if defendants are not properly served in a manner "reasonably calculated to provide actual notice" now. Def.'s Response, at 2; *citing Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

The Court shares Responding DefendantOs' concern that all defendants must be properly served now to avoid future disputes, particularly considering the number of defendants plaintiffs have named in this action. However, neither Responding Defendants nor their counsel have filed a declaration to provide a factual basis on which the Court can properly act regarding this application. The Court requests that if Responding Defendants want to oppose plaintiff's application to serve by publication,

1 they file a declaration providing a factual basis as to their belief regarding the whereabouts or proper
2 place of service by publication of the defendants. Such a declaration must be filed by **January 6, 2012.**

3 Because both parties agree to an extension of time in which to serve these three defendants, the
4 Court extends that time until February 29, 2012, as requested by plaintiffs.

5
6 **IT IS SO ORDERED.**

7 Dated: December 23, 2011



8
9

SUSAN ILLSTON
United States District Judge